

0-
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CARROLL BROWNE,

Plaintiff,

-against-

GC SERVICES, LP,

Defendant.

CV 13-

COMPLAINT

SPATT J. BROWN, M. J.

1125
FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 01 2013 ★
3-6-13 CQ
BROOKLYN OFFICE

NOW COMES Plaintiff, Carroll Browne ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Complaint against Defendant, GC Services, LP ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in Hempstead, Nassau County, New York.
 3. Plaintiff is obligated or allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
 4. Defendant is a business entity with an office located at 6330 Gulfon, Houston, Texas.
 5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
- /

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Defendant conducts business in the State of New York establishing personal jurisdiction.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant contacts Plaintiff attempting to collect a debt on behalf of GE Capital Retail Bank with account number xxxx-xxxx-xxxx-3122.

11. The debt that Defendant is attempting to collect arises from transactions that were for personal, family and household purposes.

12. In its collection attempts, Defendant mails written correspondence and places telephone calls to Plaintiff at her place of residence, 516-489-50xx.

13. On or about October 2, 2012, Defendant placed a collection call to Plaintiff which Plaintiff was not able to answer.

14. Accordingly, Defendant left Plaintiff a pre-recorded voice message. See transcribed message as Exhibit A hereto.

15. Defendant stated that its message was for Plaintiff and asked Plaintiff to call regarding QVC to telephone number (888) 412-2806, which is a telephone number assigned to Defendant. See Exhibit A.

16. Defendant message never identified its business name in its message. *See* Exhibit A.

17. Defendant's message also failed to inform Plaintiff that it is a debt collector. *See* Exhibit A.

18. Instead, Defendant only stated that it was calling about QVC and not that it was calling about a debt, the collection of a debt, or any other information to apprise Plaintiff of the true nature and purpose of its call. *See* Exhibit A.

19. Defendant uses deceptive and misleading in connection with its attempts to collect the alleged debt by not identifying itself, the purpose of its phone calls, or that it is a debt collector.

CLAIM FOR RELIEF

20. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff in connection with the collection of a debt;
 - b. Defendant violated §1692d(6) of the FDCPA by failing to provide Plaintiff with its identity in its messages for Plaintiff;
 - c. Defendant violated §1692e(10) of the FDCPA by using deceptive means to attempt to collect the debt; and
 - d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its messages that it is a debt collector.
21. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: January 10, 2013

KROHN & MOSS, LTD.

By: 

Adam T. Hill
KROHN & MOSS, LTD.
10 N. Dearborn St., 3rd Fl.
Chicago, Illinois 60602
Telephone: 312-578-9428
Telefax: 866-802-0021
ahill@consumerlawcenter.com
Attorneys for Plaintiff

EXHIBIT A

October 2, 2012 at 05:16 PM

This message is for Carol Browne, please call us regarding QVC
at 888-412-2806.